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February 9, 2004

Via Facsimile (718) 260-2527

Hon. Jack B. Weinstein
U.S. District Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ FEB 11 2004 ★

BROOKLYN OFFICE

RE:

NAACP v. Faber Brothers, Inc. v. Massachusetts Bay
Insurance Company
Docket No.: CV-99-3999 (JBW)
Docket No.: CV-99-7037 (JBW)

Dear Judge Weinstein:

My office represents defendant Massachusetts Bay Insurance Company ("Massachusetts Bay") in this action.

During the status conference that was held in this matter on January 5, 2004, the Court directed the parties to determine if a proposed judgment can be agreed upon and, if so, to submit the proposed judgment by February 2, 2004.

On January 30, 2004, I sent a letter to you via hand delivery in which I requested that the parties be given until February 10, 2004 to determine if a proposed judgment can be agreed upon.

I called your Chambers today and spoke with your law clerk, Jennifer Murray, to determine the status of this application. Ms. Murray advised me that the letter that was

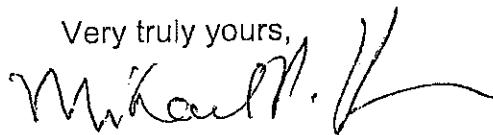
J. Murray

hand delivered on January 30, 2004 could not be located. She instructed me to resend the letter to you via facsimile. In compliance with this instruction, I am submitting an additional copy of my January 30, 2004 letter.

Additionally, I am writing to ask if the Court will extend the parties' time to determine if a proposed judgment can be agreed upon until February 24, 2004. My client is currently analyzing the invoices that were provided by Faber's counsel on January 15, 2004 in support of Faber's claim for defense costs. Massachusetts Bay requests this brief extension of time so that it may complete its analysis and determine if it will be contesting the "reasonableness" of the defense costs claimed.

Thank you for your attention in this matter.

Very truly yours,



Michael P. Kandler

MPK:rfg

cc: Via Facsimile
Wiedner & McAuliffe, Ltd.
One North Franklin - Suite 1900
Chicago, Illinois 60606-3401
Attention: Richard J. Leamy, Jr., Esq.

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OF COUNSEL:
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January 30, 2004

By Hand

Hon. Jack B. Weinstein
U.S. District Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: NAACP v. Faber Brothers, Inc. v. Massachusetts Bay
Insurance Company
Docket No.: CV-99-3999 (JBW)
Docket No.: CV-99-7037 (JBW)

Dear Judge Weinstein:

My office represents defendant Massachusetts Bay Insurance Company ("Massachusetts Bay") in this action.

During the status conference that was held in this matter on January 5, 2004, the Court directed the parties to determine if a proposed judgment can be agreed upon and, if so, to submit the proposed judgment by February 2, 2004.

This letter is being submitted to request that the parties be given until February 10, 2004, to determine if a proposed judgment can be agreed upon.

The reason for this request is that while the court has ruled that Massachusetts Bay owed a duty to defend Faber in the NAACP action, there has been no adjudication of the "reasonableness" of the legal fees and defense costs claimed by Faber. Counsel

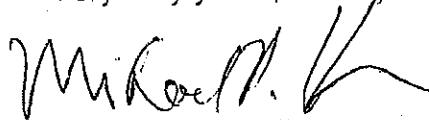
for Faber provided copies of the invoices purporting to support its claim for these defense costs on January 15, 2004. Massachusetts Bay is currently analyzing these invoices to determine if it will be contesting the reasonableness of the fees and expenses claimed. As such, Massachusetts Bay is requesting a brief extension of time to complete this process.

Counsel for Faber has advised me that he does not object to this extension of time.

Massachusetts Bay reserves its right to appeal from the final judgment in this case.

Thank you for your consideration in this matter.

Very truly yours,


Michael P. Kandler

MPK:ke

cc: **Via Facsimile**
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FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (718) 260-2527

To: U.S. District Court, Eastern District of New York

Attention: Hon. Jack B. Weinstein

From: Michael P. Kandler, Esq.

Client/Matter: NAACP v. Acusport Corporation, et al.
Faber Brothers, Inc. v. Massachusetts Bay Insurance Company

Our File No.: 060.123100

Date: February 9, 2004

DOCUMENTS	NUMBER OF PAGES
	5 (including cover page)

COMMENTS:

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